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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,552	11/09/2000	Takashi Sugiura	35.C14913	2320

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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CHANG, ERIC

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 05/21/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/708,552

Applicant(s)

SUGIURA, TAKASHI

Examiner

Eric Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-3 and 5-7 are pending.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,528 to Kim, in view of U.S. Patent 5,247,205 to Mototani, et al.

4. As to claim 1, Kim discloses an electronic apparatus comprising control means for determining whether important data is stored in the memory, when the shutdown of the main power supply is instructed, and for controlling the shutdown operation of the main power supply by the main switch according to a result of the determination [col. 2, lines 58-67, and col. 3, lines 1-15]. Kim teaches determining if there is important data stored in the memory, and that such important data exists in the memory after the computer is booted, and should be saved prior to shutdown safely [col. 6, lines 5-13]. Kim also teaches that the shutdown of the operation of the main power supply is delayed until after system may be shutdown safely, based on the determination, substantially as claimed. Furthermore, Kim teaches that the data in the memory may cause damage to the system if erased [col.4, lines 42-49].

Kim teaches all of the limitations of the claim, but does not teach a backup battery for supplying power to the memory when the power supply is shut down, and that the battery is disconnected from the memory by switch means.

Mototani teaches a backup battery for supplying power to a computer system when the power supply is shut down, and that the battery is disconnected from the system by switch means [col. 1, lines 40-60]. Mototani teaches that when the power supply is interrupted, the battery is used to power the system. When the power supply resumes, the battery is disconnected in order to conserve the battery. Furthermore, Morotani teaches that this apparatus is used to prevent loss of data from a memory when the main power supply is not available [col. 4, lines 38-49].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the back-up battery means as taught by Mototani. One of ordinary skill in the art would have been motivated to do so that the memory can be powered even when the main power supply is not available.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of providing power to a memory when a change in the power supply occurs. Moreover, the back-up battery means taught by Mototani would improve the flexibility of Kim because it further extends that life of the battery.

5. As to claim 2, Kim discloses the apparatus inhibits the opening of the main power switch when it is determined that the important data is stored in memory [col. 5, lines 54-67, and col. 6, lines 1-4]. Kim teaches that if it is determined that important data is stored in memory, for

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example, after the computer is booted, the cutting off of the power supply is inhibited until after shutdown operations have been completed.

6. As to claims 5-6, Kim and Mototani teach the electronic apparatus for controlling a power supply, substantially as claimed. Because Kim and Mototani teach the apparatus, Kim and Mototani also teach the method implemented by the apparatus.

7. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,528 to Kim, in view of U.S. Patent 5,247,205 to Mototani, et al., and in further view of U.S. Patent 6,255,744 to Shih, et al.

8. As to claim 3, Kim and Mototani teach all of the limitations of the claim, but do not teach that the user is warned when important data is being erased.

Shih teaches that an apparatus alerts a user when important data may be lost due to the imminent loss of power [col. 2, lines 35-45].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the user alerting means as taught by Shih. One of ordinary skill in the art would have been motivated to do so that the user is aware that important data may be lost when the system is being shutdown.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of safely shutting down power to a computer system. Moreover, the user alerting means taught by Shih would improve the

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utility of Kim and Mototani because it allowed the user to be notified of imminent data loss, in addition to automatically saving the important data.

9. As to claim 7, Kim, Mototani and Shih teach the electronic apparatus for controlling a power supply, substantially as claimed. Because Kim, Mototani and Shih teach the apparatus, Kim, Mototani and Shih also teach the method implemented by the apparatus.

***Response to Arguments***

10. Applicant's arguments filed on February 27, 2004 have been fully considered but they are not persuasive.

11. In the remarks, applicants argued in substance that Kim does not teach or suggest control means that determine that the memory stores important data. But Kim teaches there is important data stored in the memory that should be saved prior to shutdown safely [col. 6, lines 5-13], and that the data in the memory may cause damage to the system if erased [col.4, lines 42-49], substantially as claimed. Furthermore, Kim teaches determining if the important data is properly saved, thereby allowing for a safe shutdown [col. 2, lines 58-67, and col. 3, lines 1-15]; after the data is properly saved, the data in the memory would no longer cause damage to the system if erased, and is therefore no longer important. Therefore, Kim teaches determining if the memory stores important data, by determining if the data has been successfully saved, and holding the power supply for the memory until the important data has been secured, substantially as claimed.

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12. In the remarks, applicants argued in substance that Kim and Mototani do not teach or suggest that determining if important data is stored in memory and forcibly holding the power to the memory from the backup power supply. But Kim teaches determining if important data is stored in the memory, specifically, active data that has not been successfully saved, and maintaining power to the memory until the important data has been saved. Furthermore, it would have been obvious to combine the teachings of Kim with Mototani so that if there is an abnormal interruption in the power supply before the important data has been saved, the backup battery power supply taught by Mototani would continue to provide power to the memory, substantially as claimed.

13. In the remarks, applicants argued in substance that Kim, Mototani and Shih do not teach or suggest control means that determine that the memory stores important data. But because Kim teaches the determination of whether the active data is successfully saved, allowing the system to be safely shutdown, Kim teaches control means that determine that the memory stores important data. Therefore, Kim, Mototani and Shih teach the control means for controlling the power supply, substantially as claimed.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 7, 2004

  
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